

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
NORTHWESTERN DIVISION**

Cheryl J. Anderson, f/n/a Cheryl J.  
McCormick a/k/a C.J. McCormick, as  
beneficiary under the C.J. McCormick  
Trust a/k/a C.J. McCormick Trust,

Plaintiff,

vs.

Gary P. Sullivan and Nancy Sullivan,  
  
Defendants.

**ORDER RE MOTION IN LIMINE  
TO EXCLUDE PRUDENT INVESTOR  
RULE**

Case No. 4:04-cv-052

On July 20, 2006, the court held a final pretrial conference via teleconference. Charles Neff, attorney for the plaintiff, and Rebecca Thiem, attorney for the defendants, were present along with court and court staff.

During the conference, the court addressed the defendants' Motion to Disallow Any Claim or Evidence of Sullivan's Alleged Violation of the Prudent Investor Rule. Each party was allowed to present their argument to the court regarding the merits of the motion. After hearing the arguments and considering the brief and supporting material submitted and for the reasons articulated during the conference, the defendants' Motion to Exclude Prudent Investor Rule evidence is **DENIED** at this time without prejudice. (Docket No. 104). Furthermore, because the court allowed argument on the motion during the final pretrial conference, the defendants' motion for oral argument on the issue is **GRANTED**. (Docket No. 103).

Dated this 20th day of July, 2006.

/s/ Charles S. Miller, Jr.

Charles S. Miller, Jr.  
United States Magistrate Judge